ORIGINAL FILED
DEC 27 1996

No. 96-850

In the Supreme Court of the United States
October Term, 1996

City of St. Petersburg, Florida
Petitioner,

v.

William A. Bowen, as Trustee of
the William A. Bowen Trust Agreement,
Respondent.

On Petition for a Writ of Certiorari
to the District Court of Appeal of Florida
Second District

Motion for Leave to File and Brief for Amici Curiae Florida League of Cities, Inc., et al. in Support of Petitioner City of St. Petersburg, Florida

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30 pp

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MOTION FOR LEAVE TO FILE
A BRIEF *AMICI CURIAE*

The Florida League of Cities, Inc., *et al.,* hereby respectfully move for leave to file the attached brief *amici curiae* in this case. The consent of the attorney for the petitioner has been obtained. The consent of the attorney for the respondent was requested but refused.

The interest of the Florida League of Cities, *et al.,* in this case arises from the substantial impact *City of St. Petersburg v. Bowen*, 675 So. 2d 626 (Fla. 2d DCA 1996), *rev. denied,* (680 So. 2d 421 Fla. 1996), *petition for cert. filed*, (U.S. Case No. 96-850) has had or potentially could have on the inherent power of the cities and counties of this Nation to abate nuisances.

In *City of St. Petersburg v. Bowen*, the Florida Second District Court of Appeal upheld the holding of the trial court by applying the Fifth Amendment to United States Constitution to a quasi-judicial order of the nuisance

abatement board of the City of St. Petersburg, relying substantially on *Lucas v. South Carolina Coastal Council*, 505 U. S. 1003 (1992) without recognizing *Bennis v. Michigan*, 116 S. Ct. 994, 134 L. Ed. 2d 68 (1996). Since it is likely that respondent may pursue the same course in this Court, it is believed that the brief which *amici curiae* is requesting to file will illustrate more completely the constitutional issue before this Court. It is also suggested that the brief by *amici curiae* will provide this Court with extensive information about the substantial impact the case has had and potentially could have on the abatement of nuisances by cities and counties of this Nation.

Respectfully submitted,

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City of St. Petersburg, Florida
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Respondent.

BRIEF FOR AMICI CURIAE IN SUPPORT OF PETITIONER CITY OF ST. PETERSBURG, FLORIDA

INTEREST OF AMICI CURIAE

The Florida League of Cities, Inc., is a Florida corporation not-for-profit, composed of more than 397 municipalities and five charter counties in the State of Florida. As provided in the League's charter, the principal purposes of the League are the general improvement of municipal government, its efficient administration, and the promotion of the welfare of the citizens in municipalities throughout the State of Florida.

The Florida Association of Counties, Inc., is a not-for-profit corporation organized specifically to protect, promote, and improve the mutual interests of al counties within the State of Florida. Presently, the Association

represents all 67 county governments, both charter and non-charter. The Association believes the issues in this matter to be of great public concern as they affect every county government within the State and further believes its participation will assist the Court in resolving the issues presented.

The City of Fort Lauderdale, Florida is a municipal corporation of the State of Florida. The City of Fort Lauderdale is substantially interested in and would substantially affected by the holding in this case.

Broward County, Florida, a political subdivision of the State of Florida, is a local government charged with the responsibility of providing for the welfare of its citizens. This case will impact on Broward County's determinations regarding this matter.

The International Municipal Lawyers Association is a non-profit, nonpartisan organization, consisting of over 1,400 local governments and their attorneys. Member governments operate IMLA through their chief legal officers, variously called city of county attorneys, corporation counsel, city solicitors, law directors, and other titles. IMLA is dedicated to gathering and disseminating information on recent legal developments that affect municipalities. IMLA participates in a case in an *amicus* capacity when a majority of the Board of Director determine that the case has nationwide impact and *amicus* support is warranted.

The Arkansas Municipal League is a non-profit association of over 480 Arkansas municipalities. Over 2,500 mayors, aldermen, city managers, city board members, city attorneys, and department heads are member officials of the League by virtue of their cities' participation. The Arkansas Municipal League Legal Defense Program has a one of its functions the monitoring of major litigation which affects

municipalities and to file briefs on behalf of cities in cases of special significance to municipalities.

The Illinois Municipal League is a non-profit, non-political association of 1,068 Illinois cities, villages, and incorporated towns, recognized by statute as the instrumentality of its members. The Illinois Municipal League has an interest in the outcome of this case as it could seriously threaten the public health, safety, and welfare of its member municipalities.

The Michigan Municipal League is a non-profit Michigan corporation whose purpose is the improvement of municipal government and administration through cooperative effort and whose membership is comprised of some 510 Michigan cities and villages. Among its members are 383 city and village members of the Michigan Municipal League Legal Defense Fund which the Michigan Municipal League operates through a Board of Directors. The purpose of the Legal Defense Fund is to represent the member cities and villages in litigation of statewide significance.

The New York State Conference of Mayors and Municipal Officials (NYCOM) is a voluntary membership association for the cities and villages of the State of New York, which provides assistance and advice to its members. NYCOM's current membership consists of 61 of the State's 62 cities and 496 of its 558 villages, thereby representing the great majority of such municipalities. NYCOM advocates and supports legislation, participates in litigation and provides information and education beneficial to the administration of municipal affairs. NYCOM has a vital interest in the outcome of this case as it could negatively affect the majority of our members and the quality of life of their citizens.

The City of Bakersfield, California, is a charter law city, and the City is substantially interested in and would be substantially affected by the holding in this case.

The City of Concord is a General Law City of the State of California, and the City is substantially interested in and would be substantially affected by the holding in this case.

The City of Fullerton is a municipal corporation of the State of California, and is substantially interested in and would be substantially affected by the holding in this case.

The City of Lafayette is a municipal corporation of the State of California, and is substantially interested in and would be substantially affected by the holding in this case.

The City of Monterey is a Charter City of the State of California, and the City is substantially interested in and would substantially affected by the holding in this case.

The City of Montclair is a municipal corporation of the State of California, and the City is substantially interested in and would be substantially affected by the holding in this case.

The City of Piedmont is a Charter City of California, and the City realizes the significance of the St. Petersburg case to and to all cities throughout the United States.

The City of Sacramento, California, is a Charter City duly organized under the laws of the State of California, and the City of Sacramento, California, is substantially interested in and would be substantially affected by the holding in this case.

The City of San Pablo is a municipal corporation of the State of California, and the City is substantially interested in and would be substantially affected by the holding in this case.

The City of Waterford is a municipal corporation of the State of California, and the City is substantially interested

in and would substantially affected by the holding in this case.

The Florida Police Chiefs Association is a non-profit Florida Corporation representing over 300 law enforcement agencies in Florida. Member agencies are charged with public safety and law enforcement duties in Florida and have a direct interest in preserving the ability of local governments to abate illegal public nuisances.

The Dade County Association of Chiefs of Police is a non-profit corporation representing local, state and federal law enforcement agencies, including 29 municipal police departments, in Dade County, Florida, the most populous county in the State of Florida. Member agencies are charged with public safety and law enforcement duties and have a direct interest in preserving the ability of local governments to abate illegal public nuisances.

The Florida Sheriffs Association is a non-profit Florida Corporation representing 67 sheriffs' offices in the State of Florida. Member agencies are charged with public safety and law enforcement duties in Florida and have a direct interest in preserving the ability of local governments to abate illegal public nuisances.

At issue in this case is the application of the Just Compensation Clause to an order of the nuisance abatement board of the City of St. Petersburg, Florida. The nuisance abatement board of the City of St. Petersburg, Florida (hereinafter City) held after a quasi-judicial proceeding that an apartment house owned by Mr. Bowen was a public nuisance. The finding supporting the holding was based on competent substantial evidence that unlawful sale of a controlled substance occurred on the premises. The nuisance abatement board of the City ordered the building closed for a period of one year. Mr. Bowen subsequently sued the City

in inverse condemnation, claiming that the order of the nuisance abatement board resulted in the loss of all economically viable use of his property. The nuisance abatement board order was issued pursuant to Section 893.138, Florida Statutes, and the corollary ordinances of the City of St. Petersburg. *City of St. Petersburg v. Bowen*, 675 So. 2d 626, 627 (Fla. 2d DCA 1996), *rev. denied*, 680 So. 2d 421 (Fla. 1996), *petition for cert. filed,* Case No. 96-850. The District Court of Appeal in adopting the trial court's order found a compensable taking had occurred based in large part on the *Lucas v. South Carolina* case.

The consent of the attorney for the petitioner has been obtained. The consent of the attorney for the respondent was requested but refused. *Amici Curiae* respectfully submit this brief in support of the Petitioner, the City of St. Petersburg, Florida.

REASONS FOR GRANTING THE WRIT

A. The Application of the Guarantee Clause of the Fifth Amendment to the United States Constitution to an Inverse Condemnation Action Arising from a Nuisance Abatement Proceeding Raises a Federal Question of Vital Importance to Cities and Counties.

The abatement of public nuisances has long been a basic authority of cities and counties when exercising the police power to protect the health, safety and welfare of the citizenry. In *City of St. Petersburg v. Bowen*, 675 So. 2d 626 (Fla. 2d DCA 1996), *rev. denied*, 680 So. 2d 421 (Fla. 1996), *petition for cert. filed,* Case No. 96-850. The Florida Second District Court of Appeal severely altered nuisance abatement law in Florida. The *Bowen* court's ruling has questioned the

essential authority of cities and counties in Florida as well as nationwide to abate nuisances without compensation. Rather than applying well established nuisance law, *See Bennis v. Michigan*, 116 S. Ct. 994, 134 L. Ed. 2d 68 (1996), the Florida Second District Court of Appeal erroneously relied and misapplied the land use case of *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 112 S. Ct. 2886. 120 L. Ed. 2d 798 (1992).

The review of the *Bowen* case presented to you by the City of St. Petersburg offers this Court the opportunity to discuss and clarify what courts and commentators have referred to as the "Lucas nuisance exception," *compare Bowen*, 675 So. 2d at 631, *with* Scott R. Ferguson's *The Evolution of the 'Nuisance Exception' to the Just Compensation Clause: From Myth to Reality*, 45 Hastings L.J. 1539, 1553-1557 (1994), as well as the relationship between regulatory, property-based land use law and abatable, tort based nuisance principles.[1] In so doing, this Court will greatly assist the exercise of the police power by cities and counties of this Nation. In land use law, it is well established that abusive regulation can result in monetary compensation. On the other hand, by its very nature, the application of nuisance abatement or forfeiture law is rarely compensable.

The *Lucas* case teaches us that certain nuisances remain exempt from the requirement for compensation even under an inverse condemnation claim, while the *Bowen* court's construction of and reliance on *Lucas* creates considerable uncertainty, confusion and liability for local

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[1] The law underlying the harm from which Mr. Bowen seeks relief relates solely to nuisance abatement and not to property regulation as he alleged in this case. *Cf. Lucas* at 120 L. Ed. 2d 798, 817, n.14.

government. The application of the Just Compensation Clause of the Fifth Amendment to the abatement of common law nuisances chills the local government's ability to ensure that the public health safety and welfare are secure.[2] It affects not just the abatement of the sale of controlled substances as in *Bowen* but that of any public nuisance.

The application of the Just Compensation Clause of the Fifth Amendment to a city or county nuisance abatement proceeding is a matter of first impression before this esteemed Court.

The majority in *Lucas* refined the long-standing nuisance exception for inverse condemnation jurisprudence to the application of those regulations which create a loss of all economically beneficial use of real property and regulations which restrict a use which was part of the landowner's title to begin with. *Lucas*, 120 L. Ed. 2d at 820. *Lucas* does, however, recognize that compensation is not required for the application of those regulations which eliminate the land's only economically productive use if the use of the property was always unlawful. *Id.* at 821. It is true that the majority in *Lucas* mentions common law actions for nuisance as a showing the government may make to avoid compensation for the application of a regulation. *Id.* at 822-23. However, a close reading of the opinion clearly indicates that the statement about the common law does not

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[2] For example, the cities of Bradenton, Branford, Boynton Beach, Fernandina Beach, Kissimmee, Lake Worth, Miami, Ormond Beach, Sanford, St. Pete Beach, and West Palm Beach, Florida, at a minimum, have either suspended or chosen not enforce their nuisance abatement procedures on advice of counsel. Supporting information is held in Florida League of Cities headquarters files, 201 West Park Avenue, Tallahassee, Florida 32302.

insinuate that the only nuisances which are not compensable are those that existed in the common and statutory law of England in 1776, nuisances as has been suggested by the *Bowen* court.[3] Instead, by the statement the *Lucas* majority was insuring that the nuisance in question must be defined by the state and that the nuisance exist at the time the property owner was seized of the title to the property at issue. However, obvious confusion exists about the compensation for nuisances whether they stem from the application of a land use regulation as in *Lucas* or from the enforcement of an order of a quasi-judicial board established under state and local law as in *Bowen*.

In *Bowen*, the City of St. Petersburg sought to abate the illegal sale and possession of controlled substances. The illegal sale and possession of controlled substances has long

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[3] Specifically, the *Lucas* majority refers to the non-compensable state action of requiring the removal of a nuclear generating plant from land which sits astride an earthquake fault. *Lucas* at 821. It is doubtful the nuclear generating plants were operating in Blackstone's time. It seems reasonable that the *Lucas* majority was sanctioning nuisances such as those addressed in the *Muglar v. Kansas*, 123 U.S. 623, 31 L. Ed. 205, 8 S. Ct. 273 (1887) line of cases.

The common law in force in Florida is defined as the following:

> The common law and statute law of England which are of general and not a local nature, with the exception hereinafter mentioned, down to the fourth day of July, 1776, are declared to be of force in this date; provided, the said statutes and common law be not inconsistent with the Constitution and laws of the United States and the acts of the Legislature of this state.

Fla. Stat. § 2.01 (1995). Thus, the English common law is subsumed by Florida's statutory law. As one commentator noted after reviewing the *Restatement (Second) of Torts*, "This accords with the belief that once a statute has been passed, it passes into the common law." Robert H. Freilich & Elizabeth A. Garvin, *Takings after Lucas: Growth Management, Planning, and Regulatory Implementation Will Work Better Than Before*, 22 Stetson L. Rev. 409, 432 (1993).

been deemed a nuisance by the State of Florida. The permissible remedy for such a nuisance may be a forfeiture of the building, *United States v. Ursery*, 518 U.S. ___, 135 L. Ed. 2d 549 (1996), closure of the premises, or an injunction against the activity depending on the circumstances. *See, generally Orlando Sports Stadium, Inc. v. State*, 262 So. 2d 881 (Fla. 1972). Specifically, it was under the procedure outlined in Section 893.138, Florida Statutes (1993), and corresponding ordinances of the City, that the order of abatement issued in the instant case.

Even under *Lucas*, the use of Mr. Bowen's property would be deemed a nuisance. First, contrary to the finding of the trial court in *Bowen*, the enforcement order arguably did not deprive Mr. Bowen of all economically viable use of his property. He was merely prohibited from leasing the apartments in the subject building for a period of one year. During the one year period, the other permissible uses in the zoning classification for Mr. Bowen's property[4] were legally available to him. Secondly, the nuisance existed at the time the Mr. Bowen received title to the property at issue. Mr. Bowen acquired the property in 1991. *Bowen*, 675 So. 2d at 627. The nuisance provision for which Mr. Bowen was sanctioned was in existence in 1991. *See* Fla. Stat. Section 893.138 (1991). Mr. Bowen had no property right to allow the sale of illegal drugs on his premises. Thus, he had no property right which the City could abridge by their action. *Loveladies Harbor, Inc. v. United States*, 28 F.3d 1171, 1179 (Cir. 1994); 38 Fla. Jur. 2d *Nuisances* §§ 1 and 36 (1982).

This case affects not only the abatement of the nuisance at issue here, but potentially the abatement of

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[4] *See* St. Petersburg City Code, Division 30, Sections 29-856 through 29-859, attached as Appendix A.

nuisances throughout the nation[5]. Clearly, this case is one of importance to the cities and counties of the State of Florida, as well as all cities and counties in the nation.

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[5] For example, the uses declared a nuisance in Florida include at a minimum the following: Fla. Stat. § 125.01 (1995) (powers to abate nuisances related to zoning and housing community redevelopment); Fla. Stat. § 125.563 (1995) (abatement of nuisances of dumping sewage, chemicals, explosives, refuse, dredging, causing water pollution and inland shore erosion); Fla. Stat. §§ 161.052, 161.053 (1995) (nuisance abatement related to beach and shore preservation, by regulation of coastal construction); Fla. Stat. § 316.077 (1995) (display of unauthorized signs, signals or markings deemed nuisance); Fla. Stat. § 327.53 (1995) (relating to marine vessel safety, vessel sewage deemed a nuisance); Fla. Stat. § 333.02(1)(a) (1995) (abatement of nuisances relating to airport land hazards and incompatible use of vicinity lands); Fla. Stat. § 335.092 (1995) (abatement of nuisances created by advertisements along Everglades Parkway); Fla. Stat. § 339.241 (1995) (abatement of nuisances relating to Florida's Junkyard Control Law); Fla. Stat. §§ 370.061; 370.1103; 370.15; 370.16 (1995) (abatement of nuisances relating to illegal actions under Saltwater Fisheries); Fla. Stat. § 372.31 (1995) (abatement of nuisances relating to illegal fishing devices); Fla. Stat. §§ 372.6672; 372.98; 372.993; 372.995 (1995) (abatement of nuisances relating to wildlife and recreational fishing); Fla. Stat. § 373.433 (1995) (abatement of nuisances related to stormwater management systems); Fla. Stat. § 381.0067 (1995) (non-compliance with Florida Safe Drinking Water Act deemed nuisance); Fla. Stat. §§ 386.01, 386.02, 386.03, 386.041, 386.051 (1995) (nuisances relating to public health and sanitation deemed abateable); Fla. Stat. §§ 403.021, 403.191, 403.413 (1995) (nuisances related to pollution control); Fla. Stat. § 479.105 (abatement of nuisances created by illegally erected signs in public right-of-way); Fla. Stat. § 499.06 (1995) (abatement of nuisance items as described in Florida Drug and Cosmetic Act); Fla. Stat. § 500.172 (1995) (abatement of nuisances as described in Florida Food Safety Act); Fla. Stat. § 509.142 (1995) (abatement of nuisance relating to conduct in lodging and food establishments); Fla. Stat. § 513.118 (1995) (abatement of nuisance relating to conduct in mobile home and recreational vehicle parks); Fla. Stat. § 514.06 (1995) (abatement of nuisance relating to public swimming and bathing facilities); Fla. Stat. § 550.255 (1995) (public nuisance created by unauthorized pari-mutuel wagering); Fla. Stat. § 561.29 (1995) (abatement of nuisance relating to property with beverage license); Fla. Stat. §§ 581.091, 581.111 (1995)

The reasonableness of the remedy is not at issue here, instead it is the lawfulness. Does this case negate the nuisance exemption from takings jurisdiction and subject every city or county to monetary payment for spoils of a crime? Does this mean that cities and counties may no longer seek to quell unlawful activity within their boundaries? Does this mean the cities and counties must raise taxes or cut the funding of some essential service, such as police, fire protection and the health of the public, to fund each illegal activity it seeks to impale? Does this mean that government must pay to protect its citizens?

(abatement of nuisances related to plant industry); Fla. Stat. § 585.15 (1995) (public nuisance created by dangerous transmissible disease or pest as related to animal disease inspection, control and eradication); Fla. Stat. § 593.116 (1995) (abatement of nuisance plants related to Boll Weevil Law); Fla. Stat. § 823.01 (1995) (criminal penalty provided for specific public nuisances); Fla. Stat. § 823.02 (1995) (public nuisance relating to building bonfires); Fla. Stat. § 823.04 (1995) (public nuisance relating to importation of diseases or pest-ridden animals); Fla. Stat. § 823.041 (1995) (public nuisance relating to disposal of bodies of dead animals); Fla. Stat. § 823.05 (1995) (certain places of prostitution, assignation, lewdness, games of chance, or in which laws are violated found to be a public nuisance); Fla. Stat. § 823.13 (1995) (places where obscene materials are illegally kept, sold, or used, drive-in theaters, films visible from public streets or places declared public nuisances); Fla. Stat. § 823.15 (1995) (uninvited or stray dogs and cats declared a public nuisance); Fla. Stat. § 849.20 (1995) (structures which house illegal gambling machines and devices declared a nuisance); Fla. Stat. § 893.138 (1995) (structure in which drug-related or prostitution, or youth and street activity occurs declared a public nuisance).

CONCLUSION

For the foregoing reasons, the *Amici Curiae* respectfully request the Court to grant the Petition for Writ of Certiorari by the City of St. Petersburg, Florida.

Respectfully submitted,

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APPENDIX A

St. Petersburg City Code

DIVISION 30. CBD-2 CENTRAL BUSINESS DISTRICT

Sec. 29-856. Purpose and intent.

(a) The intent of the CBD-2 Central Business District is to provide a residential support zone for the intense commercial in the CBD-Core and CBD-1 areas. Residential, hotels, motels and office uses are permitted and high density is possible through the use of a bonus system. Low intensity retail and service establishments are permitted for the use of residents and employees of allowable principal uses, not to exceed 20 percent of gross building area.

(b) Development in this district should provide appropriate pedestrian amenities, pedestrian linkages to required open spaces, and ground level retail and cultural activities. Buildings and open spaces and other accessory items (e.g., seating, lighting, and landscaping) should be designed in an appropriate manner which promotes a successful people-oriented downtown area as exemplified in the Intown Redevelopment Plan.

(c) Developments in this zoning district which are also located within a designated community redevelopment area as such area is defined in F.S. ch. 163, shall be reviewed by the Community Redevelopment Agency (see section 29-49) for compliance with adopted redevelopment plans. (Code 1973, § 64.304)

Sec. 29-857. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this chapter, permitted principal uses and structures in the CBD-2 Central Business District are as follows. Site plans for permitted uses and structures with up to 150,000 square feet gross floor area inclusive require approval by the City Manager. Uses and structures with more than 150,000 square feet gross floor area will require site plan approval by the Environmental Development Commission.

(1) Parks and related uses.

(2) Churches.

(3) Residential uses.

(4) Community residential homes for one to 14 residents, subject to conditions set forth in section 29-219(a) and section 29-219(b).

(5) Motels and hotels.

(6) Parking lots, provided:

a. A five-foot decorative masonry wall as a barrier to noise, glare, fumes and dust, shall be erected along the side lot lines of parking lots.

b. No source of illumination for such lot shall be directly visible from any window in any

residence or from any window in any room used for sleeping purposes.

c. There shall be no sales or service activities on such lots, nor parking of house trailers of any kind, nor trucks, except for operative automobiles and appurtenances, and light commercial vehicles, for more than 24 hours.

(7) Offices in conjunction with residential use and with not more than 50 percent of the gross floor area.

(8) Studios.

(9) Financial institutions with or without drive-through facilities.

(10) Mixed uses of a permitted or permissible use involving a residential use.

(11) Service, retail establishments, office service and indoor eating and drinking establishments fronting along Ninth or Fourth Street or as accessory use to a residential project, and not exceeding 20,000 square feet per block bounded by public streets. (See section 29-868.)

(12) Business and professional schools.

(13) Day care centers.

(14) Bed and breakfast homes. (See section 29-222.)

(Code 1973, § 64.305; Ord. No. 135-G, § 41, 4-7-94; Ord. No. 184-G, § 3, 12-15-94)

Sec. 29-858. Permitted accessory uses and structures.

The following accessory uses and structures are permitted in the CBD-2 Central Business District:

(1) Uses and structures which:

a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

b. Are not of a nature prohibited under section 29-860.

(2) Temporary structures and operations in connection with an on the site, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field office, and structures for storage of equipment and building materials, provided a certificate of occupancy shall have been issued therefor.

(3) One on premises dwelling unit for occupancy by the owner, lessor, manager, watchman or custodian in connection with the operation of any permitted or permissible use.

(Code 1973, § 64.306)

Sec. 29-859. Permitted special exceptions.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Environmental Development

Commission may permit the following special exceptions in the CBD-2 Central Business District:

(1) Academic Schools, colleges and universities.

(2) Community service and private clubs.

(3) Mortuaries.

(4) Utility substations.

(5) [*Reserved.*]

(6) Commercial recreation. (See section 29-868.)

(7) Parking garages for parking of automobiles only, and without sales facilities or service facilities other than required for parking automobiles, provided the building shall be fully enclosed.

(8) Hospitals.

(9) Communications facilities.

(10) Birthing centers. (See section 29-2, definitions.)

(11) Government and community buildings and uses.

(12) Community residential homes for more than 14 residents, subject to conditions set forth in section 29-219(e).

(13) Service and retail establishments, office service and indoor and outdoor eating and drinking

establishments over 20,000 square feet only within the intown redevelopment area and part of the unified retail core program defined in the Intown Redevelopment Plan.

(14) Boarding and rooming houses with more than 20 units.

(15) Temporary employment offices.

(16) Nursing homes.

(Code 1973, § 64.307; Ord. No. 1111-F, § 1, 7-6-89; Ord. No. 135-G, § 42, 4-7-94; Ord. No. 167-G, § 1, 8-4-94; Ord. No. 184-G, § 4, 12-15-94)